

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention: Species 1 (A method for invalidating resource records in a local cache at a client computer system within a network, comprising: receiving a multicast message; locating a resource record; waiting for a multicast response from the device; when predetermined number of multicast messages have been received without response, invalidating the resource record; fig. 4, P [0037]); Species 2 (A method for validating a resource record in a local cache at a client computer system, comprising: receiving a request; looking up a service record for the service in a cache; looking up an address record and send a query to the service; if the service responds within a predetermined time; if the service does not respond resend the query until the service responds; upon resending number of quires without receiving response, marking the address record as suspect; sending a multicast query and waiting predetermined time for response; if the service responds, updating address record; if the service does not respond deleting the address record; marking the service record as suspect; sending multicast query for the service record; if a response is received, updating the cache otherwise deleting the service record from cache; fig. 3, P [0032-0035]).

Related inventions are distinct if the inventions as claimed are not connected in at least one of design, operation, or effect (e.g., can be made by, or used in, a materially different process) and wherein at least one invention is

Art Unit: 2455

patentable (novel and non-obvious) over the other (though they may each be unpatentable over the prior art). See MPEP § 802.01(II).

In the instant case, the Species 1 and 2 are not connected in at least mode of operation, which is clearly evidenced by figure 3 and figure 4 and their relevant parts of the description.

The Examiner has determined that the additional attributes present in Species 2 would not be an obvious variation of attributes present in Species 1 to one of ordinary skills in the art. Therefore, Species 1 is patentably distinct from Species 2 though they may each are unpatentable over the prior art.

The Examiner has determined that the Species 1 and 2 differ in mode of operation from one another in ways that would not be obvious to one of ordinary skills in the art at the time the invention was made. Therefore, Species 1 and 2 are patentably distinct from one another, though they may each be unpatentable over the prior art.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim appears to be generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added.

Art Unit: 2455

An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 2455

Applicant is given **ONE (1) MONTH, or THIRTY (30) DAYS** from the mailing date of this communication, whichever is longer, within which to respond to this election/restriction requirement in order to avoid abandonment (35 U.S.C. § 133). Extensions of this time period may be granted under 37 CFR 1.136(a).

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Faruk Hamza whose telephone number is 571-272-7969. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached at 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 886-217-9197 (toll –free).

Faruk Hamza

Patent Examiner

Group Art Unite 2455

/Faruk Hamza/
Examiner, Art Unit 2455